

VZCZCXRO3476  
RR RUEHCHI RUEHDT RUEHHM RUEHNH  
DE RUEHPF #0408/01 0720949  
ZNR UUUUU ZZH  
R 130949Z MAR 07  
FM AMEMBASSY PHNOM PENH  
TO RUEHC/SECSTATE WASHDC 8179  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGV/USMISSION GENEVA 1581  
RUCNDT/USMISSION USUN NEW YORK 2215

UNCLAS SECTION 01 OF 02 PHNOM PENH 000408

SIPDIS

SENSITIVE  
SIPDIS

DEPARTMENT FOR EAP/MLS, DRL, AND EAP/RSP  
DEPARTMENT PASS TO USAID/ANE AND USAID/DCHA/DG FOR MARIA  
RENDON

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [PREL](#) [CB](#)

SUBJECT: PROMINENT HUMAN RIGHTS LEADERS DISCUSS PROGRESS OF  
HUMAN RIGHTS COMMISSION

REF: 06 PHNOM PENH 1871

11. (SBU) Summary. Kek Galabru, president of LICADHO, a local human rights NGO and Margo Picken, head of the Cambodia Office of the United Nations High Commissioner for Human Rights (UNOHCHR), recently discussed the latest developments as Cambodian civil society and the Cambodian government discuss creating a national human rights commission. In early February, five representatives of civil society and five representatives of the government agreed that civil society should draft the law providing the legal framework for a commission. The NGOs have appointed a sub-committee to refine the existing draft law and plan extensive public consultations throughout Cambodia to discuss the role of a National Commission. Galabru admitted that she thought the government's current flexibility had more to do with the coming elections than a change of heart on bettering the human rights situation in Cambodia. Picken also voiced reservations about RGC intentions but offered to help with the establishment of the commission by bringing experts to Cambodia to work with NGO and government representatives. She warned that the commission -- to be effective -- would need a much more supportive enabling environment, particularly with regard to Cambodia's weak judiciary. End Summary.

Cambodia and a National Human Rights Commission  
-----

12. (U) On February 7, after a four-month period of inactivity, Cambodian civil society and government representatives met to discuss the proposed national human rights commission. Cambodian civil society was represented by Kem Sokha of the Cambodian Center on Human Rights (who has since launched a political party), Sok Sam Oeun of the Cambodian Defenders Project, Young Kim Eng, the former executive director of the Khmer Youth Association, Nhiek Sarin of Star Kampuchea and Kek Galabru of the local human rights NGO LICADHO. The Cambodian government was represented by Prime Minister Hun Sen's advisor Om Yentieng and four people from his human rights subcommittee. The two sides agreed that Cambodian civil society representatives should draft the necessary legislation with help from a Western advisor.

13. (U) Although Cambodian civil society already has a draft, the NGO reps named a subcommittee comprised of members of their respective organizations as well as Yeng Virak of the Community Legal Education Center (CLEC). The subcommittee will continue to refine the existing draft and conduct extensive public consultations throughout Cambodia to

gain grassroots support for a National Commission. The NGOs have also agreed to move the process slowly and thoroughly. They plan to disperse the draft throughout Cambodia's 24 provinces for comments as well as to explain to the public what a national human rights commission will do. In September 2006 when the issue of a national human rights commission first was proposed by Kem Sokha, a one-year process was envisioned to draft and pass the necessary legislation and stand up the commission (reftel). NGOs believe a three-year drafting and adoption process is more realistic; RGC representatives believe that their side only needs three months to examine the proposed legislation with help from the Council of Ministers and the Council of Jurists before adoption by the National Assembly. Galabru claims that the RGC is being too flexible in its approach, which may change after the April 1 commune elections. To pay for the process, civil society plans to ask donors for help; although not finalized, Galabru thought USD 100,000 would be adequate to pay for drafting and dissemination of the law for comment throughout Cambodia. NGOs intend to ask the local branch of the Price Waterhouse Coopers office to manage the funds; Galabru thought that the UNOHCHR office could help with the technical aspects of the legislation but was open to having the UN manage the funds as long as the process did not become too bureaucratic.

14. (U) Margo Picken voiced reservations about the proposed commission, although her organization remains committed to supporting its establishment. Given that the UN Human Rights Council is considering the termination of country-focused mandates like that of Cambodia, helping Cambodia establish a national human rights commission may be an idea whose time has come. On the other hand, Picken maintains that a credible national commission requires an enabling

PHNOM PENH 00000408 002 OF 002

environment, particularly in the form of transparent and independent courts. She sees little RGC progress towards that goal; on the contrary, the RGC continues to consolidate power and undermine the country's supposedly independent institutions. Picken said that by leaving the drafting of the required legislation to the NGOs, the government would try to play off one NGO against another in the process. Whereas Galabru wanted NGOs and RGC representatives to attend regular meetings of the ASEAN and Asia-Pacific human rights commissions, Picken's office has proposed a seminar where experts could be brought to Cambodia to talk about what is necessary for the establishment of the commission. Picken also mentioned that a good precedent for the human rights commission would be a new independent body that the RGC is due to establish to monitor prison conditions as a result of the January 2007 adoption of the Optional Protocol to the Convention on Torture. If this new body proves to be truly independent and effective, it could bode well for the proposed national human rights commission.

15. (U) Comment. Although the new slower pace by which the NGOs propose to draft and refine legislation for the national human rights commission is a welcome sign, we agree with UNOHCHR's view that without an enabling environment, particularly in the area of judicial reform, a national human rights commission may not be an effective instrument. NGO representatives are not entering into the process lightly, and have reserved the right to withdraw if they sense the RGC is not living up to its end of the bargain. For that reason, none of the prominent NGO leaders involved in the drafting process has yet stated that he/she is willing to join the commission once it is operational, as all have been let down by RGC promises in the past. The prospect of an effective national human rights commission that has broad grassroots support, however, is tempting and the NGOs believe that as long as the RGC has opened the door to that possibility, they should push the door and pressure the government to live up to its commitment. End Comment.

MUSSOMELI